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MAY 25 2004

OFFICE OF PETITIONS

In re Application of : DECISION
Sunichi Sato : GRANTING
Appl. No. 10/603,418 : PETITION
Filed: June 24, 2003 :

This is a decision on the applicant's April 1, 2004, petition titled PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A REISSUE APPLICATION. In view of the relief requested, the petition is taken as a petition to accord the above-identified application a filing date of June 24, 2003.

The petition is granted.

DECISION

The present application was deposited on June 24, 2003. On March 2, 2004, the Initial Patent Examination Division mailed a "Notice Of Omitted Items In A Reissue Application" requiring drawings containing Figures 4 and 6 described in the specification, and stating that the filing date of the application would be the date of receipt of the omitted drawings. The Notice indicated that any assertions that the required drawings were submitted, or are not necessary for a filing date, must be by way of petition accompanied by the \$130.00 petition fee.

In response, on April 1, 2004, the instant petition was filed. Petitioner alleges that all 7 sheet of drawings containing Figures 1-8 were submitted with the present application on June 24, 2003. In support, the petition is accompanied by a copy applicant's postcard receipt which acknowledges receipt in the U.S. Patent and Trademark Office (the Office) of 7 sheets of drawings on June 24, 2003. It was stated in the petition:

"Applicant attaches as Exhibit B hereto another copy of the formal drawings submitted on June 24, 2003, wherein Figs. 1-8 are arranged on seven (7) sheets."

Such exhibit was not, however, found attached. Accordingly, the undersigned telephoned applicant's counsel, Paul Teng, on May 21, 2004, to obtain the submission of the missing drawings. Mr. Teng then faxed the missing drawings to the Office that same day.

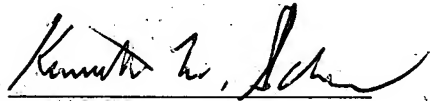
Applicants' postcard receipt shows that 7 sheets of drawings were received on June 24, 2003. Therefore, it is concluded that the 7 sheets of drawings containing Figures 1-8 were received on June 24, 2003, and later misplaced in the Office.

It is further noted that, in this instance, the content of the drawings and its timeliness for filing are not in question and were not in question on the date of deposit, since this is a reissue application.

Accordingly, the following relief is provided:

1. The petition is granted.
2. The petition fee will be refunded.
3. The copies of Figures 1-8 filed on May 21, 2004, included facsimile markings. To avoid further processing delays, a copy of the seven sheets of drawings from the patent file has been prepared by the Office and will be used in the processing and examination of the application.
4. After mailing of this decision, the \$130.00 petition fee will be credited to deposit account No. 03-3125.
5. Thereafter, the application will be returned to Initial Patent Examination Division for further processing with a filing date of June 24, 2003, using the copy of Figures 1-8 supplied on May 21, 2004, with an indication on the PALM bib-data sheet that seven (7) sheets of drawings were present on filing.

Any questions regarding this decision should be directed to the undersigned at (703) 308-6710.

A handwritten signature in black ink, appearing to read "Kenneth M. Schor", written over a horizontal line.

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

5/21/04

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